



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL REVISION APPLICATION NO. 103 OF 2024**

Dnyaneshwar S/o. Ganesh Dudhal,  
Age : 48 years, Occu. : Agriculture,  
R/o. Madalmohi, Tq. Georai,  
Dist. Beed.

**... Applicant**  
(Orig. Respondent)

**Versus**

1. Savita W/o. Dnyaneshwar Dudhal,  
Age : 43 years, Occu.: Household,  
R/o. Mamalmohi, Tq. Georai,  
Dist. Beed.

At present R/o.  
Prabhakar Shivaji Katkhade  
At Post Shahapur, Tq. Ambad, Dist. Jalna.

2. Nayan D/o. Dnyaneshwar Dudhal @  
Nayan W/o. Gopal Bhagwat,  
Age : 24 years, Occu. Household,  
R/o. C/o. Santram Baburao Bhagwat,  
At Dadhegaon, Post. Shahapur,  
Tq. Ambad, Dist. Jalna.

**... Respondents**

.....  
Mr. S. G. Kawade, Advocate for Applicant.  
Mr. H. P. Jadhav, Advocate for Respondent Nos.1 and 2.  
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**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 26 FEBRUARY, 2025**

**PRONOUNCED ON : 28 FEBRUARY, 2025**

**ORDER :**

1. Revisionist husband hereby takes exception to the judgment and order dated 24.11.2023 passed by learned Judge, Family Court, Beed in Criminal M.A. No.13 of 2020 (Old Cri.M.A.

No.1407 of 2018), by which present respondent no.1 is beneficiary of enhanced maintenance under section 127 of Cr.P.C.

2. Learned counsel for applicant apart from keeping written notes of arguments, put-forth that, he was married with respondent no.1, but due to marriage suffering rough weather, she left the house and company of applicant, and moreover, claimed maintenance by approaching learned Chief Judicial Magistrate, Beed and that court was pleased to grant her maintenance to the tune of Rs.500/- per month and Rs.250/- per month to the daughter by order dated 27.04.2005. Learned counsel submitted that, said maintenance was duly paid. He further pointed out that, again respondents instituted proceedings afresh, but under section 127 of Cr.P.C. vide Criminal M. A. No. 13 of 2020. According to learned counsel, the same is also allowed by learned Family Court, Beed by order dated 24.11.2023.

3. Criticizing the above judgment, learned counsel would submit that, respondent has exaggerated the income and earnings of husband. That, there was no evidence in support of her contention. She showed shop business of husband, but it was apparently business in other person's name. Therefore, according to learned counsel, there was no evidence before trial court for

enhancing the earlier maintenance, which was regularly paid. He pointed out that, learned Family Court, Beed failed to appreciate his case put-forth therein that apart from his responsibility to maintain his old aged ailing parents, he was also taking care of education of the daughter, who, had already attained maturity. Therefore, learned counsel questions the appreciation and findings recorded by learned Family Court while enhancing maintenance to the tune of Rs.9,500/- for wife and finally prays to reduce the amount of maintenance to justifiable quantum.

4. In answer to above, through written arguments, above revision is resisted by learned counsel for respondents and points out that, initial maintenance granted in 2005 was almost 20 years back. Now, there is inflation and due to price increase, such meager quantum is grossly inadequate. It is pointed out that, Criminal M.A No.13 of 2020 was therefore pressed into service for enhancing the maintenance by invoking section 127 of Cr.P.C. That, husband had grocery shop business. That, he had ancestral properties. That, moreover since 2004 till 2023, due to non payment of maintenance, there were huge arrears. That, there was change of circumstance. Husband had higher income and maintained four wheeler vehicle and therefore learned Family Court rightly enhanced the maintenance, more particularly rising prices for

sustainable living. However, it is conceded that, now respondent no.2 is married.

5. Heard both sides. Perused the written notes of arguments. Both contesting parties are admittedly husband and wife, but are separated. Respondent had earlier sought maintenance under section 125 of Cr.P.C. and also succeeded in getting maintenance of Rs.500/- for herself and Rs.250/- for her daughter by order dated 27.04.2005, i.e. in M.A. No.129 of 2004 filed before the then learned Chief Judicial Magistrate. Subsequently, she preferred Criminal M.A. No. 13 of 2020 i.e. after 15 years seeking enhancement of maintenance by invoking section 127 of Cr.P.C.

6. Present revisionist seems to have appeared and resisted above enhancement, contending that, he has provided education to the daughter, who had already completed the education and moreover she is married. He denied about raising in his income from grocery shop or about getting ancestral properties. After considering respective cases advancing by each of the side, learned Judge, Family Court, Beed partly allowed the enhancement application directing present revisionist to pay Rs.9,500/- per month, in addition to previous maintenance of

Rs.500/- and thus directed respondent husband to pay total maintenance of Rs.10,000/- per month. Learned trial court dismissed the claim as regards to petitioner no.2 is concerned.

Above order is precisely questioned by husband.

7. Before learned Family Court, present respondent examined herself at Exh.10 and also filed her income, assets and liabilities affidavit at Exh.36. Correspondingly, husband lead his evidence at Exh.14 by way of affidavit of income, assets and liabilities vide Exh.30. In paragraph no.17 of the judgment, learned Family Court noted that in the affidavit tendered by revisionist husband, he has denied ownership of house properties. However, Exh.19/1 showed him owner of house No.25/5 and therefore learned Family Court noticed that there is suppression of material by husband to avoid maintenance. As regards to grocery shop is concerned, though he asserted said shop to be in the name of another person, he has not demonstrated to whom it belongs to. Resultantly, learned Family Court primarily considered that, indeed, there was change in circumstance and taking judicial note of high rise in the essential commodities since grant of maintenance dated 27.04.2005, the same has been enhanced to further Rs.9,500/- i.e. apart from previous Rs.500/- granted way back in 2005. Even this court agrees that, since passage of 15

years, there is indeed rise in the standard of living for minimum sustainability also. Aspect of husband owning four wheeler is not refuted, which itself is an indication that, he has better financial means. Even in his written arguments, which are placed on record, he has come with a case that amount is excessive and that it should be reduced to just and equitable. However, this court does not find any error in quantum enhanced to the tune of Rs.9,500 after lapse of 15 years. Moreover, daughter having got married, revisionist need not separately pay her and even learned Family Judge has rejected her claim. Therefore, no fault can be found in the quantum enhanced by learned trial Judge. Hence, there being no merits in the revision, I proceed to pass the following order :-

**ORDER**

The Revision Application stands dismissed.

**(ABHAY S. WAGHWASE, J.)**